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Remarks/Arguments

In the current application, claims 1-20 are pending. Claims 1-14 were previously filed and claims 15-20 have been added. No new matter has been added to the specification. For at least the reasons stated *infra*, this application is in condition for allowance, and a notice of allowance should be issued.

Rejection pursuant to 35 U.S.C. § 103

Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Greenberg, U.S. Patent No. 6,692,413, in view of Debski, U.S. Patent No. 4,344,620, and Zakrzewski, U.S. Patent No. 4,602,387, by themselves or in combination. Applicant respectfully disagrees.

As set forth in the claims and specification of the present application, the invention relates to a massage therapy device used to massage selected parts of the user's body. The device is specifically configured to allow for the selective placement of massage tools within certain chambers, compartments or channels. The chambers are substantially horizontal in order to achieve best cooperation with the user's body. As outlined below, the cited references do not teach or suggest such a device. Further, the references do not provide sufficient information to render the claimed device obvious. The applicant consequently requests allowance of all pending claims.

A. Prior Art Must Teach or Suggest All Claim Limitations

Again, all pending claims have been rejected as being obvious in light of the prior art. In order to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* MPEP § 2143.03. This required is not met. Rather,

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the present invention is nonobvious because the prior art does not teach or suggest all of the limitations claimed in Applicant's invention. In independent claim 1, Applicant claims "a device for massaging the anatomy of a body part...comprising: a garment...; a plurality [of] horizontal compartments or channels located from the top to the bottom of the back of said garment in which various therapeutic massage tools may be placed; and interior pockets located in the front interior of said garment." In independent claim 5, Applicant claims a "massage therapy garment...the garment comprising...a plurality of adjacent and substantially horizontal chambers formed by layers of the garment body, each chamber configured to house at least one massage tool...; and a storage compartment attached to the garment body for storing the at least one massage tool when not in use." First, the cited prior art fails to teach or suggest "massage tools." All these references relate to exercise or weight vests used in exercise programs. As such, the goals and objectives of these devices are very different from those of the claimed invention. Secondly, the massage tools of the present invention are placed in "horizontal compartments or channels" or "substantially horizontally chambers." This configuration provides a certain advantage in the massage context. The cited references fail to provide any teaching or suggestion on this. Because the cited prior art fails to teach or suggest all of the limitations of Applicant's invention as claimed, Applicant requests that Examiner withdraw the 35 U.S.C. § 103(a) rejection.

B. Prior Art Must Teach or Suggest Combination or Modification

In the Office Action, the Examiner has combined several references to support the stated claim rejections. The mere fact that references can be combined or modified, however, does not establish obviousness of the combination absent a teaching or suggestion supporting the combination. See MPEP § 2143.01. The test is whether the combined teachings of the prior

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taken as a whole teach or suggest the combination or modification to one of ordinary skill in the art. *Id.* Applicant asserts that it is improper to substitute the horizontal compartments extending from the bottom of the back of the garment disclosed by Debski for the compartments in the back of the garment disclosed by Greenberg because there is no motivation to combine these references. Further, these references provide no suggestion of "massage" applications, thus further teaching away from Applicant's invention.

Greenberg discloses an exercise jacket having weights positioned in pockets specifically placed on a 45 degree angle. Moreover, Greenberg teaches away from the use of horizontal compartment, channels or chambers because it states that the "novelty is in the 45 degree of the angle of the pockets, which follows and pulls in the direction of the muscle contraction, and the specific placement of the pockets." *See Specification*, col. 3, lines 54-56; and MPEP § 2145 X(D)(2). Further, modifying Greenberg with the horizontal compartments extending from the bottom of the back of the garment disclosed by Debski would eliminate the novel aspect of Greenberg and render Greenberg "unsatisfactory for its intended purpose." *See MPEP* § 2143.01.

Based on the foregoing, Applicant respectfully asserts that the claimed invention is nonobvious, and the rejection pursuant to 35 U.S.C. § 103(a) is inappropriate. Applicant respectfully requests the rejection be withdrawn and a notice of allowance be issued.

Conclusion

Applicant submits that, for at least the reasons stated above, all pending claims are allowable over the art of record and respectfully requests that a Notice of Allowance be issued in this case. If the Examiner believes that a teleconference would be of value in expediting the allowance of the pending claims, the undersigned can be reached at the telephone number listed

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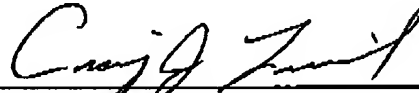
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below. If any fees are due in connection with the filing of this paper, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #22330-301).

Respectfully submitted,

By



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